

AN ORDINANCE

100635

AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE TWO FUNDING AGREEMENTS WITH THE ST. PAUL SQUARE ASSOCIATION, INC., AND BEXAR COUNTY IN CONNECTION WITH THE HOUSTON AND COMMERCE UNDERPASS ENHANCEMENTS PROJECT; AUTHORIZING THE ACCEPTANCE OF \$50,000.00 FROM THE ST. PAUL SQUARE ASSOCIATION, INC., AND THE ACCEPTANCE OF \$155,000.00 FROM BEXAR COUNTY; APPROPRIATING \$150,000.00 FROM GENERAL OBLIGATIONS OF THE CITY; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH AND PAYMENT IN THE AMOUNT OF \$319,500.00 TO BILL FITZGIBBONS FOR CONSTRUCTION SERVICES; AUTHORIZING \$35,500.00 FOR CONSTRUCTION CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$355,000.00; AND PROVIDING FOR PAYMENT.

* * * * *

WHEREAS, the City of San Antonio previously entered into Agreements with the Texas Department of Transportation for the construction, maintenance and operation of public pedestrian walkways, pedestrian crosswalks, landscaping, irrigation systems, lighting, and other improvements on the highway right-of-way located on I.H. 37 right-of-way at Commerce Street; and

WHEREAS, the City of San Antonio now desires to construct/reconstruct, maintain, and operate additional aesthetic improvements on I.H. 37 at Commerce Street and I.H. 37 at Houston Street, including public pedestrian walkways, pedestrian crosswalks, landscaping, irrigation systems, lighting, art and other aesthetic improvements; and

WHEREAS, the St. Paul Square Association, Inc. and Bexar County have expressed an intention to contribute to the aesthetic enhancement of the highway right-of-way on I.H. 37 at Commerce and Houston Streets; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Interim City Manager or his designee is authorized to execute two agreements, one being a funding agreement with the St. Paul Square Association, Inc. (SPSA), and an interlocal funding agreement with Bexar County in connection with the Houston and Commerce Underpass (Houston and Commerce at I.H. 37) Enhancement Project, located in Council Districts 1 and 2, which agreements are hereto appended in substantial form as Exhibits B and C.

SECTION 2. It is further authorized that \$50,000.00 be accepted from the SPSA and \$155,000.00 be accepted from Bexar County and that \$150,000.00 be appropriated from General Obligations of the City toward financing the aforesaid improvements.

SECTION 3. The Interim City Manager or his designee is further authorized to execute an agreement with Bill FitzGibbons for artistic construction services, including, but not limited to,

sculpture and lighting, in consideration for \$319,500.00, which agreement is appended in substantial form as Exhibit A, and, such agreement may be finally adjusted to accommodate coordination among the City, the County, SPSA, and the Texas Department of Transportation.

SECTION 4. Construction contingency expenses in the amount of \$35,500.00 are hereby authorized.

SECTION 5. The following financial provisions are hereby approved:

- (a) The amount of \$108,562.00 is appropriated in SAP fund 45801013, 2003 General Obligation Street Bonds, SAP GL account 6102100 - Interfund Transfers Out, entitled Transfer to 45099000. The amount of \$108,562.00 is authorized to be transferred from SAP fund 45801013 to SAP fund 45099000.
- (b) The budget in SAP fund 45099000, General Obligation Bonds, Project Definition 23-00163 Houston/Commerce Underpass Project, shall be revised by increasing WBS element 23-00163-90-03, entitled "TRF FR 45-801013", SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$108,562.00.
- (c) The amount of \$41,438.00 is appropriated in SAP fund 43151000, 2001 Certificates Of Obligation, SAP GL account 6102100 - Interfund Transfers Out, entitled Transfer to 45099000. The amount of \$41,438.00 is authorized to be transferred from SAP fund 43151000 to SAP fund 45099000.
- (d) The budget in SAP fund 45099000, General Obligation Bonds, Project Definition 23-00163 Houston/Commerce Underpass Project, shall be revised by increasing WBS element 23-00163-90-04, entitled "TRF FR 43-151000", SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$41,438.00.
- (e) Budgeted revenues in the amount of \$50,000.00 are authorized to be established in Fund 45099000 SAP project definition 23-00163 Houston Commerce Underpass, General ledger account 4404100, WBS element 23-00163-90-06 entitled Contribution from St. Paul Square Assoc., Inc., is to be increased upon reimbursement of the project.
- (f) Budgeted revenues in the amount of \$155,000.00 are authorized to be established in SAP fund 45099000, 1999 General Obligation Bonds Capital Projects, SAP Project definition 23-00163 Houston Commerce Underpass Project, General Ledger Account 4404100, WBS Element 23-00163-90-05, entitled "Contribution from Bexar County", is to be increased upon reimbursement of the project.
- (g) The amount of \$ 319,500.00 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00163 Houston Commerce Underpass Project, General Ledger Account 5201140, WBS Element 23-00163-05-02-01, entitled "City Construction", and is authorized to be encumbered and made payable to Bill Fitzgibbons, in connection with Houston\Commerce Underpass Project.
- (h) The amount of \$ 35,500.00 is appropriated in SAP fund 45099000, General Obligation Bonds, SAP Project definition 23-00163 Houston Commerce Underpass Project, General Ledger Account 5201140, WBS Element 23-00163-05-03, entitled "Construction Contingency", and is authorized to be encumbered for miscellaneous construction contingency, in connection with Houston\Commerce Underpass Project.
- (i) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, the Interim City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. The foregoing authorization(s) to execute the agreement(s), the subjects of this Ordinance, shall expire forty-five (45) days from the date this ordinance is passed and approved by the City Council; otherwise, the agreements must be considered through a subsequent ordinance.

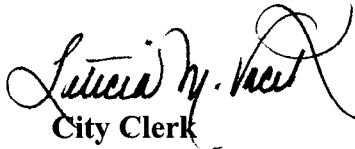
SECTION 7. This ordinance shall take effect on the 10th day of April, 2005.

PASSED AND APPROVED this 31st day of March, 2005.



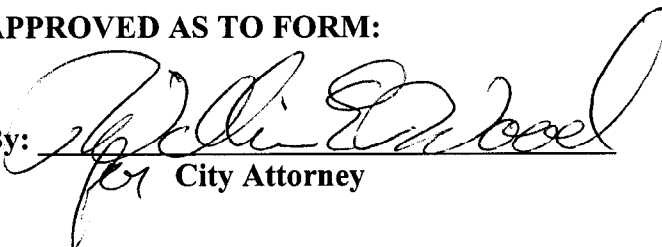
M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:

By:


for City Attorney

Agenda Voting Results

Name: 42B.

Date: 03/31/05

Time: 04:00:21 PM

Vote Type: Multiple selection

Description: An Ordinance authorizing the Interim City Manager or his designee to execute two funding agreements with the St. Paul Square Association, Inc., and Bexar County in connection with the Houston and Commerce Underpass Enhancements Project; authorizing the acceptance of \$50,000.00 from the St. Paul Square Association, Inc., and the acceptance of \$155,000.00 from Bexar County; appropriating \$150,000.00 from General Obligations of the City; authorizing the execution of an agreement with and payment in the amount of \$319,500.00 to Bill FitzGibbons for construction services; authorizing \$35,500.00 for construction contingency expenses, for a total amount of \$355,000.00; and providing for payment.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR	Not present			